

LAW OFFICES OF GEOFFREY D. MUELLER

GEOFFREY D. MUELLER¹

Counsel

MICHAEL J. CICALA
DAVID J. NATHANSON
ROBERT F. RANALLI

Of Counsel

WARREN C. FARRELL²

366 KINDERKAMACK ROAD
WESTWOOD, NEW JERSEY 07675

PHONE: (201) 569-2533

FAX: (201) 569-2554

www.gdm-law.com

² WILLIAM STREET - #304
WHITE PLAINS, NY 10601

610 E. PALISADE AVENUE
ENGLEWOOD CLIFFS, NJ 07632

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PLEASE REFER ALL
INQUIRIES TO:
MAILBOX@GDM-LAW.COM

¹ MEMBER: NJ, NY & DC BARS
² MEMBER: NJ BAR & CERTIFIED
CIVIL TRIAL ATTORNEY

File No.: 1224-1

August 19, 2022

VIA ECF ONLY

Hon. Edgardo Ramos, U.S.D.J.
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

RE: Rachel Weingeist v. Tropix Media & Entertainment, et al.
Civil Action No.: 1:20-cv-00275-ER

Dear Judge Ramos:

This Firm represents Defendants/Counterclaimants/Third-Party Plaintiffs, Tropix Media & Entertainment, Tropix Holdings LLC, Tropix Inc. and Mario Baeza relative to the above-referenced action. Kindly accept this correspondence by way of a joint status letter pursuant to Your Honor's directive.

As Your Honor is likely aware, we are pleased to inform the Court that Waivers of Service for the Counterclaim/Third-Party Complaint on Perea & Company, LLC and Mrs. Weingeist were filed [Dkt. 106 and 107, respectively] almost immediately following our written concerns about same. It is our understanding that Pickled Punk Sublease, LLC was served with the Counterclaim/Third-Party Complaint, however, we are currently awaiting the Affidavit of Service and will file same.

We respectfully submit the proposed Civil Case Discovery Plan and Scheduling Order for the Court's consideration and withdraw the request for a Pre-Motion Conference at this time.

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We thank Your Honor for the Court's consideration.

Respectfully submitted,

/s/Geoffrey D. Mueller

GEOFFREY D. MUELLER

GDM/sv

Enclosure

Cc: Darius A. Marzec, Esq. (*via ECF; w/ encl.*)
Clients (*via electronic mail; w/ encl.*)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
RACHEL WEINGEIST, individually and on behalf of all
other persons similarly situated who were employed by
TROPIX MEDIA & ENTERTAINMENT and TROPIX
HOLDINGS LLC and TROPIX INC.,

Case No.: 1:20-cv-00275 (ER) (SLC)

Plaintiff,

- against -

TROPIX MEDIA & ENTERTAINMENT, TROPIX
HOLDINGS LLC, TROPIX, INC., MARIO BAEZA,
TAYMI CESPEDES, JAVIER RODRIGUEZ, and
TANIA MILAN,

Defendants.
-----X

CIVIL CASE DISCOVERY
PLAN AND SCHEDULING
ORDER

This Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel, pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure (“FRCP”) that:

1. All parties do NOT consent to conducting all further proceedings before a Magistrate Judge, including motions and trial, pursuant to 28 U.S.C. 636(c). The parties are free to withhold consent without adverse substantive consequences. (If all parties consent, the remaining paragraphs of this form need not be completed.)

2. The case is to be tried before a jury.

3. Joinder of additional parties must be accomplished by March 1, 2023.

4. Amended pleadings may be filed until October 2, 2023.

5. Interrogatories shall be served no later than September 22, 2022, and responses thereto shall be served within thirty (30) days thereafter. The provisions of Local Civil Rule 33.3 shall not apply here and counsel consent to a maximum of 100 interrogatories for plaintiffs and 100 interrogatories for all defendants.

6. First Request for production of Documents, if any, shall be served no later than September 22, 2022.

7. Non-expert depositions shall be completed by January 30, 2023, and all plaintiffs shall be limited to a total of ten (10) depositions and all defendants shall be limited to a total of ten (10) depositions.

a. Unless counsel agree otherwise or the Court so orders, depositions shall not be held until all parties have responded to any requests for production of documents.

b. Depositions shall proceed concurrently.

- c. Whenever possible, unless counsel agree otherwise or the so orders, non-party depositions shall follow party depositions.

8. Any further interrogatories, including expert interrogatories, shall be served no later than April 30, 2023.

9. Rebuttal expert reports shall be served no later than May 17, 2023.

10. Additional provisions agreed upon by counsel are attached hereto as Attachment A and made a part hereof.

11. **ALL DISCOVERY SHALL BE COMPLETED BY JUNE 1, 2023.**

12. Any motions shall be filed in accordance with the Court's Individual Practices.

13. This Civil Case Discovery Plan and Scheduling Order may not be changed without leave of Court (or the assigned Magistrate Judge acting under a specific order of reference.)

14. The Magistrate Judge assigned to this case is the Honorable Sarah L. Cave.

15. If, after entry of this Order, the parties consent to trial before a Magistrate Judge, the Magistrate Judge will schedule a date certain for trial and will, if necessary, amend this Order consistent therewith.

16. The next case management conference is scheduled for _____, 202__ at _____ A.M./P.M. (The Court will set this date at the initial conference.)

SO ORDERED.

Dated: New York, New York

Edgardo Ramos, U.S. District Court Judge

ATTACHMENT A

EVENT	COMMENTS	PROPOSED DEADLINE
Completion of all fact discovery (inclusive of depositions)		1/30/2023
Amended pleadings filed with Court and/or file motion for preliminary collective class certification		10/02/2022
Maximum number of interrogatories beyond the number permitted under the federal rules and local rule 33.3	100 for Plaintiffs 100 for Defendants	Served: 9/8/2022 Respond: 10/09/2022
Maximum number of Requests to Admit		Served: 9/8/2022 Respond: 10/9/2022
Notice to Produce/Production of Documents		Served : 9/8/2022 Respond: 10/9/2022
Number of depositions by Plaintiffs	Depositions limited to not more than ten (10) total party and non-party depositions	To Be Completed on or before 1/30/2023
Number of depositions by Defendants	Depositions limited to a total of ten (10) party and non-party depositions	To Be Completed on or before 1/30/2023
Number of expert witnesses of Plaintiffs	1	
Number of expert witnesses of Defendants	1	
Time for completion of joinder of any additional parties		3/1/2023
Exchange of expert reports		4/30/2023
Settlement Conference		TBD
Completion of expert depositions		5/3/2023
Commence dispositive motion and/or Class Decertification		6/5/2023
COMPLETION OF ALL DISCOVERY		6/1/2023